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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,985	11/05/2001	Newton B. White JR.	GREN.P-001-2	4151

57380 7590 03/20/2006		EXAMINER	
OPPEDAHL & OLSON LLP		SON, LINH L D	
P.O. BOX 5388			
DILLON, CO 80435-5388		ART UNIT	PAPER NUMBER
		2135	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		09/682,985	WHITE, NEWTON B.
		Examiner	Art Unit
		Linh LD Son	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 December 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responding to the Amendment received on 12/14/05.

2.   Claims 1-11 are pending.

Priority

3.   The later-filed application must be an application for a patent for an invention,

which is also disclosed, in the prior application (the parent or original

nonprovisional application or provisional application). The disclosure of the

invention in the parent application and in the later-filed application must be

sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112.

See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32

USPQ2d 1077 (Fed. Cir. 1994).

4.   The disclosure of the prior-filed application, Application No. 60/066526,

60/061433, and 60/056815, fails to provide adequate support or enablement in

the manner provided by the first paragraph of 35 U.S.C. 112 for one or more

claims of this application. The application 60/066526 discloses an html source

code pages. Nowhere in the html source code pages has any evidence of port

modification. The application 60/061433 only discloses a declaration of the

"Exchange Method and Apparatus" application. The name alone does not

provide enough evidence to support the application 09/682985. The application

60/056815 discloses the "Exchange Method and Apparatus" invention with a

detail specification with a section teaches the TCP communication protocol.

Again, the TCP communication protocol alone does not provide enough evidence

of the pending claimed invention. Therefore, Application needs to provide

appropriate support evidences in order to entitle such priority dates.

Claim Rejections - 35 USC § 103

5.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.　　Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rich Casselberry et al, (http://www.docs.rinet.ru/PerfectIntranet/index.htm), hereinafter

"CASSELBERRY".

7.　　As per claims 1-3:

CASSELBERRY discloses "A method for securely communicating with a server

program using a secure hypertext transfer protocol which by default uses a first port

number associated therewith, said method practiced in connection with a hypertext

transfer protocol which defaults to the use of a second port number associated

therewith, "said method comprising: (a) configuring the server program so that it listens

for requests for secure hypertext transfer protocol sessions on the second port number

rather than the first port number" on (Chapter 5 page 9 Network Settings); (b) "receiving

at the server program on the second port number a first data packet in a manner that is

consistent with the secure hypertext transfer protocol, except that the request is

received on the second port number rather than the first port number" on (Chapter 5

page 10, First Paragraph); (c) "outputting from the server program a response to the

first data packet in a manner that is consistent with the secure hypertext transfer

protocol, except that the request was received on the second port number rather than

the first port number" on (Chapter 5 page 9 Network Settings). However,

CASSELBERRY does not explicitly teach a method of redirecting the https service to a

second port other than its standard port. Nevertheless, CASSELBERRY teaches a

method of binding a https service to another port ranging from 1 to 65535 different from

its standard port and also gives an example of how to access the host that has a

nonstandard port using an URL redirecting (Chapter 5, Page 9, last paragraph and

Page 10 first paragraph). Therefore, it would have been obvious at the time of the

invention was made for one having ordinary skill in the art to realize that

CASSELBERRY teaches a method of binding any second port ranging from 1-65535

different from its standard port to tighten the security of its server by tricking the hacker

to think of one protocol, but in reality it is another protocol.

8.   As per claim 4:

CASSELBERRY does not explicitly teach "the first data packet is received by the server program on the second port, it passes through a system that is configured in a manner that would block the first data packet if the first data packet were addressed to the first port". Nevertheless, CASSELBERRY does teach a method of binding a nonstandard port a service hosted at a server (Chapter 5, Page 9, last paragraph and Page 10 first paragraph). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that the new binding service would not recognize any packet format other than its own.

9.   As per claims 5-9:

CASSELBERRY does not explicitly teach "the following additional step: after step (a), directing a client program to request information from the server program using a resource locator comprising an indication to use the secure hypertext transfer protocol and an indication to use the second port number". Nevertheless, CASSELBERRY teaches a method of binding a https service to another port ranging from 1 to 65535 different from its standard port and also gives an example of how to access the host that has a nonstandard port by using an URL port redirecting (Chapter 5, Page 9, last paragraph and Page 10 first paragraph). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that CASSELBERRY teaches a method of binding any second port ranging from 1-65535

different from its standard port to tighten the security of its server by tricking the hacker

to think of one protocol, but in reality it is another protocol.

10.   As per claims 10 and 11:

CASSELBERRY discloses "A method for operating a web server system comprising: a)

configuring the web server system to use another nonstandard port for communications

using a protocol selected from the group consisting of: secure socket layer, secure

sockets layer, SSL, secure hypertext transfer protocol, and HTTPS, b) receiving at the

non-standard port at the web server system a first data packet that is formatted in

accordance with the protocol; and c) responding to the first data packet with a second

data packet that is formatted in accordance with the protocol" in (Chapter 5, Page 9, last

paragraph and Page 10 first paragraph). However, CASSELBERRY does not explicitly

teach of configuring the web server system to use port 80 for communications using

secure hypertext transfer protocol. Nevertheless, CASSELBERRY does teach of a

method of binding a https service to another port ranging from 1 to 65535 different from

its standard port and also gives an example of how to access the host that has a

nonstandard port using an URL redirecting (Chapter 5, Page 9, last paragraph and

Page 10 first paragraph). Therefore, it would have been obvious at the time of the

invention was made for one having ordinary skill in the art to realize that

CASSELBERRY teaching does imply of technically binding port 80 to the HTTPS

service, which is different from its standard port, to tighten the security of its server by

tricking the hacker to think of one protocol, but in reality it is another protocol.

Response to Arguments

11.   Applicant's arguments, see Amendment, filed on 12/14/05, with respect to the

rejection(s) of claim(s) 1-11 under U.S.C. 35 103 rejection have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in
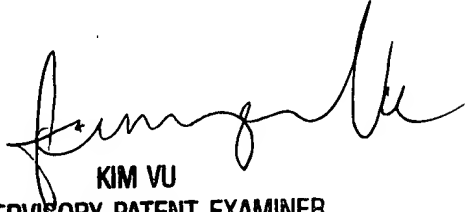
view of CASSELBERRY.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Linh LD Son whose telephone number is 571-

272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100